

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK****ANTHONY SPINALE,****Plaintiff,****v.****THE UNITED STATES OF AMERICA<sup>1</sup>,****Defendant.**

ECF

**STIPULATION  
AND ORDER OF DISMISSAL**

07 Civ. 8760 (CM)(RLE)

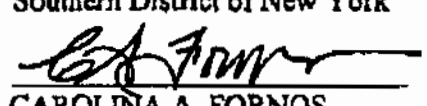
IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the parties, that the above-captioned action be, and hereby is, dismissed without prejudice and without costs or attorneys' fees to any party.

Dated: New York, New York  
December 24, 2007

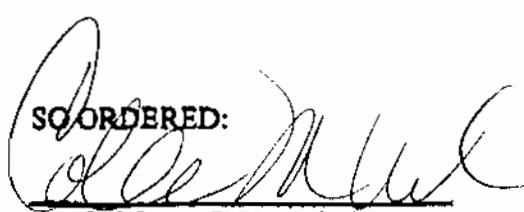
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**SO ORDERED:**

  
**HON. COLLEEN McMAHON**  
United States District Judge

1/9/2008

**USDS SDNY  
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DATE FILED: 1/9/08**

<sup>1</sup> The United States has been substituted as a party for Lindsay Mitchell and Daniel Favale pursuant to 28 U.S.C. § 2679(b)(1), and in accordance with the Court's grant of a request to substitute the United States on December 14, 2007, during the parties' pre-trial conference.